IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 1058 (S/S) of 2007

1. Pramod Kumar Tyagi S/o Birbal Singh
2. Chatra Pal S/o Ram Kumar
3. Ram Pal S/o Ilam Chand
4. Jai Pal S/o Dila Ram
5. Bhopal S/o Sadhu Ram
6. Darshan Lal Sharma S/o Dwarka Prasad
7. Pal Singh S/o Late Bishambhar
8. Dayawati D/o Balwant

All R/o Nagar Panchyat, Laksar
District Haridwar

------- Petitioners

Versus

1. State of Uttarakhand through Secretary, Nagar Vikas Evam Awas Anubhag, Govt. of Uttarakhand, Dehradun
2. Executive Officer, Nagar Panchayat Laksar District Haridwar

------- Respondents

Hon'ble M.M.Ghildiyal, J.

Heard Sri Anil Dabral, learned counsel for the petitioners and Sri N.P. Shah, learned Standing Counsel State of Uttarakhand for the respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:

1. Issue a writ, order or direction in the nature of mandamus commanding and directing the respondents to pay wages to the petitioners equivalent to the wages/salary being paid to the regular Class IV employees in the respondent department along with admissible allowances.
2. Issue any other order or direction, which this Hon'ble Court may deem fit and proper under the facts and circumstances of the case in favour of the petitioner.

3. Award cost of the writ petition to the petitioners.

From perusal of the documents on record, it appears that earlier petitioners have filed Writ Petition No. 827 (S/S) of 2001 for regularization of petitioners' services and also for the following prayers:-

> "1. To issue a writ, order or direction in the nature of mandamus directing the respondents to regularize the services of the petitioners and pay the salary and allowances admissible to them.
> 2. To issue any other order or direction or writ in the circumstances of the case as this Hon'ble Court may deem fit and proper.
> 3. To award the cost of the writ petition to the petitioners."

This Court dismissed the aforesaid writ petition holding that the petitioners are not entitled to be regularized and they are also not entitled for equal pay for equal work.

The submission of the learned counsel for the petitioners is that petitioner nos. 1 to 5 are working as Sweeper since 1990, petitioner no. 6 as Electrician since 1993 and petitioner nos. 7 and 8 are also working as Sweeper since 1990-91 on daily wage basis. Learned counsel for the petitioners has further submitted that the petitioners, who are working with the respondent department for more than 13 years, are not being paid even the minimum of pay scale.

In these circumstances, I deem it fit and proper to direct the petitioners to make representation raising all their grievances before the competent authority and the competent authority is directed to pass appropriate order on the representation of the petitioners within a period of one week from the date of production

of a certified copy of this order along with the representation, if any.

With this direction, the writ petition is finally disposed of. All the pending applications stand disposed of.

(M.M. Ghildiyal, J.)

10.08.2007
VKS